

## Message Text

CONFIDENTIAL

PAGE 01 USBERL 01624 101541Z  
ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10  
L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11  
IO-13 ACDA-12 MCT-01 HA-05 /097 W  
-----073814 111407Z /50

R 101452Z JUL 78  
FM USMISSION USBERLIN  
TO SECSTATE WASHDC 7221  
AMEMBASSY BONN  
INFO AMEMBASSY BERLIN  
AMEMBASSY LONDON  
AMEMBASSY MOSCOW  
AMEMBASSY PARIS  
AMCONSUL BREMEN  
AMCONSUL DUSSELDORF  
AMCONSUL FRANKFURT  
AMCONSUL HAMBURG  
AMCONSUL MUNICH  
AMCONSUL STUTTGART  
USMISSION USNATO

C O N F I D E N T I A L USBERLIN 1624

E.O. 11652: GDS  
TAGS: PGOV, AKB, BQG  
SUBJECT: FUTURE TERRORIST TRIALS IN BERLIN: POSSIBLE ROLE  
OF THE FEDERAL PROSECUTOR

SUMMARY: A LARGE NUMBER OF TRIALS OF ACCUSED TERRORISTS IN  
BERLIN JAILS IS EXPECTED IN THE NEAR FUTURE. BERLIN PRESS HAS  
REPORTED POSSIBILITY OF INVOLVEMENT OF FEDERAL PROSECUTOR IN  
ORDER TO LESSEN THE LOAD ON BERLIN STAATSANWALTSCHAFT (PROSECU-  
TING ATTORNEY OFFICE). ACTION REQUESTED: THAT US BONN GROUP  
REP RAISE ISSUE IN BONN GROUP, AND IN PARTICULAR ASK FRG REP  
WHAT THE VIEWS ARE OF THE COMPETENT GERMAN AUTHORITIES, I.E.  
FRG GENERALBUNDESANWALT REBMANN AND BERLIN  
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 USBERL 01624 101541Z

GENERALSTAATSANWALT SCHULTZ. END SUMMARY.

1. A SERIES OF CRIMINAL PROCEEDINGS AGAINST ALLEGED  
TERRORISTS WILL BE HELD IN BERLIN IN THE NEXT FEW YEARS.  
BERLIN PRESS REPORTS THAT THERE ARE 21 PRISONERS AWAITING  
TRIAL WHO ARE BEING KEPT IN THE BERLIN REMAND PRISON AND  
WHO ARE BELIEVED TO BE MEMBERS OR SYMPATHISERS OF THE

TERRORIST SCENE. ALL OF THEM WILL BE INDICTED FOR SERIOUS CRIMES LIKE MURDER, KIDNAPPING, BLACKMAIL, OR BANK ROBBERY. HOWEVER, THERE IS A PROCEDURAL POSSIBILITY TO PASS ON SOME OF THESE TRIALS TO THE FEDERAL PROSECUTOR FOR PROSECUTION: PURSUANT TO PARAGRAPHS 74A, 120 AND 142A OF THE CRIMINAL PROCEDURE CODE, THE FEDERAL PROSECUTOR HAS CONCURRENT JURISDICTION WITH LAND (STATE) AUTHORITIES TO INVESTIGATE AND PROSECUTE A CRIMINAL CASE WHICH INVOLVES THE CRIME OF "PARTICIPATING IN A TERRORIST ORGANIZATION" (PARAGRAPH 129A OF THE PENAL CODE). IT IS IN THE DISCRETION OF THE FEDERAL PROSECUTOR WHETHER TO TAKE OVER THE PROSECUTION OF SUCH CASES.

2. SHOULD THE FEDERAL PROSECUTOR TAKE OVER THE PROSECUTION OF ANY OF THESE CASES, THEY MAY TAKE PLACE EITHER IN BERLIN OR WHERE HIS MAIN OFFICE IS LOCATED. THE BERLIN PRESS REPORTED THE OPINION OF THE BERLIN SENAT THAT NEITHER OF THESE IS LIKELY TO HAPPEN AND THAT THE BERLIN STAATSANWALTSCHAFT WILL HANDLE TO PROSECUTIONS.

3. HOWEVER, FEDERAL PROSECUTOR REBMANN WAS IN BERLIN FOR TWO DAYS (5 AND 6 JULY) TO DISCUSS THIS PROBLEM WITH BERLIN'S CHIEF PROSECUTOR, DIETRICH SCHULTZ. THEY DID NOT OFFER ANY COMMENTS ON THE RESULTS OF THIS MEETING. CONFIDENTIAL

CONFIDENTIAL

PAGE 03 USBERL 01624 101541Z

4. COMMENT: LARGE NUMBER OF UPCOMING TERRORIST TRIALS AND THEIR TENDENCY TO BE LONG AND COMPLICATED INDICATE THE LIKELIHOOD THAT RESOURCES OF BERLIN STAATSANWALTSCHAFT WILL BE STRAINED IF THEY ALONE MUST HANDLE ALL THE CASES. IF THIS IS ESTIMATE OF FEDERAL PROSECUTOR (IN CONSULTATION WITH BERLIN AUTHORITIES), HE MAY DECIDE TO EXERCISE JURISDICTION IN SOME CASES. QUESTION WOULD THEN BE WHETHER TRIALS PROSECUTED BY FEDERAL PROSECUTOR WOULD TAKE PLACE IN BERLIN OR ELSEWHERE. BASED ON PAST PRACTICE, WE ASSUME MANY IF NOT ALL OF THESE TRIALS WOULD TAKE PLACE IN SECURE OR SAFETY COURT ROOMS. CONGESTION IN SUCH COURTROOMS IN BERLIN MIGHT OCCUR, ARGUING FOR TRIAL ELSEWHERE. AT THIS STAGE USBER'S INFORMATION ON SUBJECT (INCLUDING POSSIBILITY OF LACK OF BERLIN COURTROOMS) HAS COME FROM PRESS OR OTHER UNOFFICIAL SOURCE.

5. ADDRESSEES ARE WELL AWARE OF COMPLICATIONS WHICH RESULTED FROM ASSUMPTION OF ROLE BY FEDERAL PROSECUTOR IN LORENZ-VON DRENCKMANN TRIAL CURRENTLY BEING PROSECUTED IN BERLIN. ACCORDINGLY, WE WOULD VERY

MUCH LIKE TO KNOW WHAT REBMANN'S AND SCHULTZ'S THOUGHTS  
ON THE SUBJECT ARE. THE APPROPRIATE BERLIN CHANNEL FOR  
OBTAINING THAT INFORMATION IS THROUGH THE SENATOR FOR  
JUSTICE TO SCHULTZ. THE NEW SENATOR FOR JUSTICE HAS  
BEEN ON BOARD FOR LESS THAN ONE WEEK AND WE WOULD PREFER  
NOT TO ENGAGE HIM ON THE SUBJECT AT THIS TIME. THERE-  
FORE, WE WOULD REQUEST AND RECOMMEND THAT U.S. BONN  
GROUP REP MAKE LOW-KEY INQUIRY IN BONN GROUP TO FRG  
BONN GROUP REP. END COMMENT.

6. ACTION REQUESTED: U.S. BONN GROUP REP ASK FRG  
BONN GROUP TO ADVISE US OF REBMANN-SCHULTZ THINKING  
ON THE SUBJECT. GEORGE

CONFIDENTIAL

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** TRIALS, TERRORISTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 10 jul 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1978USBERL01624  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D780283-0578  
**Format:** TEL  
**From:** USBERLIN  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1978/newtext/t19780777/aaaacnbnm.tel  
**Line Count:** 128  
**Litigation Code IDs:**  
**Litigation Codes:**  
**Litigation History:**  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Message ID:** 975c6078-c288-dd11-92da-001cc4696bcc  
**Office:** ACTION EUR  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 20 may 2005  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 2060020  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** FUTURE TERRORIST TRIALS IN BERLIN: POSSIBLE ROLE OF THE FEDERAL PROSECUTOR SUMMARY: A LARGE NUMBER OF TRIALS OF ACCUSED TERRO  
**TAGS:** PGOV, PINR, AKB, BQG  
**To:** STATE BONN  
**Type:** TE  
**vdkgvkey:** odbc://SAS/SAS.dbo.SAS\_Docs/975c6078-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014